

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 37535

Docket No. 3239-01

Application of: Brian B. Filippini et al.

Serial No.: 10/555,477

Filed: September 13, 2006

For: Emulsifiers For Multiple Emulsions

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

Sir:

I hereby certify that the following correspondence is being facsimile transmitted to facsimile number 571-273-8300 at the United States Patent and Trademark Office on March 27, 2008:

Petition to Claim the Benefit of an Earlier Filing Date Under 37 CFR 1.78(a)(3) - 5 pages

Exhibits 1 to 12 - 28 pages

Certificate of Facsimile Transmission Under 37 CFR 1.8 - 1 page

Applicants authorize the Commissioner to charge deposit account No. 50-1501 in the amount of \$1,410, the fee set forth in Rule 1.17(t). If an additional fee(s) is necessary, the Commissioner is authorized to charge deposit account No. 50-1501 therefor.

TOTAL NUMBER OF PAGES BEING TRANSMITTED:

34 pages.

03/31/2008 LLANDGRA 00000063 501501 10555477

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Legal Department
Lubrizol Advanced Materials, Inc.
9911 Brecksville Road
Cleveland, Ohio 44141-3247
216-447-5918

Date: March 27, 2008
3239-01 US petition II fax tl

Respectfully submitted,


Mary Ellen Stoll

Customer Number 37535

Docket No. 3239-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 27 2008

Application of: Brian B. Filippini et al.
Serial No.: 10/555,477
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Certificate of Facsimile Transmission Under 37 CFR 1.8

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Date of Transmission: March 27, 2008


Mary Ellen Stoll

Special Processing Submission
Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO CLAIM THE BENEFIT OF AN
EARLIER FILING DATE UNDER 37 C.F.R. § 1.78(a)(3)**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.78(a)(3), this petition is supportive of applicants' previous supplemental amendment amending the captioned application to contain a claim for the benefit of an earlier priority claim.

Pursuant to Rule 1.78(a)(3)(i), applicants amended the captioned application on January 31, 2008 to contain the required reference to the prior filed application (**EXHIBIT 1**). Specifically, the application was amended to recite the following:

Petition to Claim the Benefit of an Earlier Filing Date
March 27, 2008
Page 2

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"This application is a U.S. National Phase application filed under 35 U.S.C. § 371 of PCT Application No. PCT/US2004/014336, filed May 7, 2004, which claims priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Ser. No. 60/468,439, filed May 7, 2003".

In accordance with Rule 1.78, and specifically under 1.78(a)(3)(ii) applicants authorize the Commissioner to charge deposit account No. 50-1501 in the amount of \$1,410; the fee set forth in Rule 1.17(t). If an additional fee(s) is necessary, the Commissioner is authorized to charge deposit account No. 50-1501 therefor.

Finally, in compliance with 37 C.F.R. § 1.78(a)(3)(iii) applicants provide in the following paragraphs statements to support the fact that the entire delay between the date the claim was due under Paragraph (a)(2)(ii) of this section and the date the claim was filed was inadvertent and unintentional. In support of this fact please note the following:

A. The U.S. national phase of the captioned application was entered (with a preliminary claim amendment) on November 3, 2005, and was assigned U.S. serial number 10/555,477. Applicants, in filing the preliminary claim amendment, inadvertently failed to amend the specification to recite a priority claim to PCT Application No. PCT/US04/014336 having an international filing date of May 7, 2004 which PCT application claims its earliest priority right to United States provisional patent application number 60/468,439, having a filing date of May 7, 2003.

B. During the ensuing time period between the national phase entry of the captioned application (with the preliminary claim amendment) and the present date, a state of uncertainty has existed between the applicants and the United States Patent and Trademark Office (P.T.O.) regarding the correct identification of the priority document application number from which applicant is claiming priority.

i) Applicants' original Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under U.S.C. 371 dated November 3, 2005 (**EXHIBIT 2**) inadvertently left the box reserved for designation of the International Application No. blank. However, box 13 of the Transmittal Letter (concerning documents or information

Petition to Claim the Benefit of an Earlier Filing Date
March 27, 2008
Page 3

included with the Transmittal Letter) was check-marked indicating that a Preliminary Amendment was included with the transmittal.

ii) Applicants' Preliminary Amendment dated November 3, 2005 (**EXHIBIT 3**) correctly identifies the International Application No. as "PCT/US2004/014336", filed 7 May 2004.

iii) Applicants' Certification Under 37 CFR 1.10 (**EXHIBIT 4**) that accompanied the aforesaid Transmittal Letter and Preliminary Amendment dated November 3, 2005 inadvertently and incorrectly identified the International Application No. as "PCT/US2004/0100904".

iv) From the record it is apparent that the P.T.O. ascribed the incorrect International Application No. set forth in the 1.10 Certification to the parent PCT application of the captioned application from which priority is being sought (Note: the P.T.O. changed the number to "PCT/US04/10904" and also incorrectly ascribed this application's priority data to the instant International Application). This was done despite the fact that the instant parent International Application No. was correctly identified on the title page of the Preliminary Amendment (**EXHIBIT 3**).

v) It is noted from the published cover page of incorrectly assigned International Application No. PCT/US04/10904 (**EXHIBIT 5**) that such is owned by Fossa Medical, Inc., 580 Harrison Boulevard, 4th Floor, Boston, MA 02118, and is not affiliated in any way with the present applicant or application.

vii) On August 11, 2006, Paulette Kidwell of the P.T.O. and Nancy Dedek of The Lubrizol Corporation discussed the incorrectly identified International Application No. This resulted in the filing of a corrected Transmittal Letter wherein the identification box for the International Application No. was properly filled in identifying the parent PCT application as "PCT/US2004/014336". The telephone conversation between the P.T.O.'s Paulette Kidwell and Lubrizol's Nancy Dedek is documented in the Facsimile Transmission cover sheet dated August 11, 2006 (**EXHIBIT 6**). Applicants' corrected Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under U.S.C. 371 that accompanied said Facsimile Transmission cover sheet is attached (**EXHIBIT 7**).

vii) On August 16, 2006, the P.T.O. mailed a Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) (**EXHIBIT 8**). As evidenced by the information set forth under the International Application No. box in the

Petition to Claim the Benefit of an Earlier Filing Date
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Notification, the International Application No. incorrectly reads "PCT/US04/1094". In addition the P.T.O. assigned an incorrect International Filing Date (May 17, 2004) and a Priority Date (December 5, 2003) to the parent PCT application. Despite applicants' efforts to resolve the issue of the incorrectly identified PCT application outlined in paragraph iv) above, the P.T.O. did not follow through with the requested changes.

viii) The mis-identification issue also appears in the subsequently mailed Notice Of Acceptance Of Application Under 35 U.S.C. 371 And 37 C.F.R. 1.495 (**EXHIBIT 9**) and in the Filing Receipt (**EXHIBIT 10**), both mailed by the P.T.O. on April 11, 2007.

C. Previous to October 1, 2007, all matters associated with the captioned application, including all matters pending before the P.T.O. were handled by The Lubrizol Corporation's Patent Department with offices located at 29400 Lakeland Blvd., Wickliffe, OH 44092.

D. On or about October 1, 2007, responsibility for the captioned application was transferred to Lubrizol Advanced Materials, Inc., 9911 Brecksville Road, Cleveland OH 44141, a wholly owned subsidiary of The Lubrizol Corporation. The files associated with the captioned application were physically transferred to the Legal Department of Lubrizol Advanced Materials, Inc. located at the 9911 Brecksville Road address soon thereafter.

E. On November 12, 2007 an Associate Power of Attorney (**EXHIBIT 11**) in the captioned application recognizing Thoburn T. Dunlap (Reg. No. 31,246) as Agent for Applicant located at the 9911 Brecksville Road address was filed in the P.T.O.

F. On December 7, 2007, a Change of Correspondence Address (**EXHIBIT 12**) associating the captioned application with Customer Number 37535 was also filed in the P.T.O. For the record it should be noted that said Customer Number 37535 is assigned to Lubrizol Advanced Materials, Inc., 9911 Brecksville Road, Cleveland OH 44141.

G. In a subsequent routine inspection and review of the file associated with the captioned application, it was discovered that the Filing Receipt (**EXHIBIT 10**) indicated that the domestic priority data as claimed by the applicant was not consistent with the PTO records. Upon a more detailed review it was also determined that the captioned application at the time of filing did not contain and was not subsequently amended to contain the requisite reference to the prior filed international application as required by Rule 1.78(a)(2)(i) and Rule 1.78(a)(2)(ii).

Upon a review of the circumstances surrounding applicants' unsuccessful attempt to correct the filing information herein and the delay and the failure by the P.T.O to issue the

Petition to Claim the Benefit of an Earlier Filing Date
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correct filing information, in combination with the subsequent transfer of the application to a wholly owned subsidiary company at a different location, it is submitted that the failure to claim the aforementioned priority of the parent International Application (i.e., International Application No. PCT/US2004/014336, filed on May 7, 2004) was inadvertent and unintentional.

Not being able to correct the priority claim of the captioned application may jeopardize Applicant's rights in the application.

In light of the foregoing, it is submitted that Applicants, upon realization of the error with respect to the claim of priority, made every effort to correct such mistake and therefore submit that the same delay in failing to claim the benefit of an earlier filing date was unintentional and should be considered as such.

Applicants respectfully request that this Petition be granted and that the captioned application be afforded the priority date as set forth above, and that a corrected Filing Receipt be issued containing the correct filing information.

Respectfully Submitted,


Thoburn T. Dunlap
Reg. No. 31,246

Legal Department
Lubrizol Advanced Materials, Inc.
9911 Brecksville Road
Cleveland, Ohio 44141-3247
216-447-5918
Date: March 27, 2008
TTD 3239-01 US petition II

page 1 of 2
Customer Number 3753.

EXHIBIT 1

Docket No. 3239-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

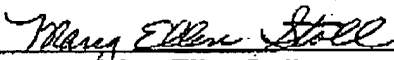
Application of: Brian B. Filippini et al.
Serial No.: 10/555,477
Filed: September 13, 2006
For: Emulsifiers For Multiple Emulsions

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Mail Stop Amendment
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Alexandria, VA

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed at the United States Patent and Trademark Office on January 31, 2008.


Mary Ellen Stoll

SUPPLEMENTAL AMENDMENT

Sir:

Please amend the captioned application as set forth below.

EXHIBIT 1

Supplemental Amendment
January 31, 2008
Page 2

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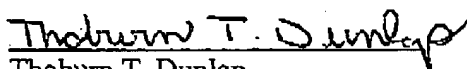
MAR 27 2008

IN THE SPECIFICATION:

Please replace the first paragraph after the title with the following paragraph.

This application is a U.S. National Phase application filed under 35 U.S.C. § 371 of PCT Application No. PCT/US2004/014336, filed May 7, 2004, which claims priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Ser. No. 60/468,439, filed May 7, 2003.

Respectfully Submitted,



Thoburn T. Dunlap
Agent for Applicants
Reg. No. 31,246

Lubrizol Advanced Materials, Inc.
9911 Brecksville Road
Cleveland, Ohio 44141-3247
216-447-5918

TTD 3239-01 US supplemental amendment

EXHIBIT 2

page 1 of 3

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0551-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 3239-01
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE 07 May 2004 (7.05.2004)	U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
TITLE OF INVENTION EMULSIFIERS FOR MULTIPLE EMULSIONS		PRIORITY DATE CLAIMED 07 May 2003 (7.05.2003)
APPLICANT(S) FOR DO/EO/US THE LUBRIZOL CORPORATION; FILIPPINI, Brian B.; HUANG, Nai Z.; CAREY, Jeffrey M. and MULLAY, John J.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.26 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13/ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

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page 2 of 3

EXHIBIT 2

PTO-1390 (Rev. 07-2005)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER 3239-01	
20. Other items or information: Form PTO-1449 IDS, foreign cited art, and Certification Under 37 CFR 1.10					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				\$	300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	200.00
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0					
All other situations \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	500.00
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an international Searching Authority \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400					
All other situations \$500					
TOTAL OF 21, 22 and 23 =					1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
24 - 100 =	-76 /50 =		x \$250	\$	0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	10 - 20 =	0	x \$ 60	\$	0.00
Independent claims	1 - 3 =	0	x \$200	\$	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$350	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,000.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					0.00
SUBTOTAL =				\$	1,000.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	0.00
TOTAL NATIONAL FEE =				\$	1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	1,000.00
Amount to be refunded:				\$	
Amount to be charged				\$	

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page 3 of 3

EXHIBIT 2

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

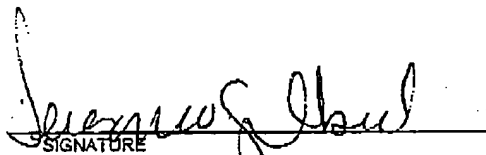
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 12-2275 in the amount of \$ 1,000.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-2275. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Teresan W. Gilbert
The Lubrizol Corporation
Patent Dept./Mail Drop 022B
29400 Lakeland Blvd.
Wickliffe, OH 44092-2298


SIGNATURE

Teresan W. Gilbert

NAME

31,360

REGISTRATION NUMBER

page 1 of 8

EXHIBIT 3

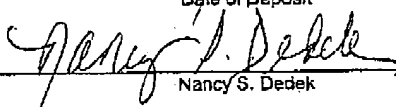
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3239-01

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11/3/05
Date of Deposit

Nancy S. Dedek

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian B. Filippini, Nai Z. Huang, Jeffrey M. Carey and
John J. Mullay

Serial No.: Unknown

Filed: Herewith

(National Phase of International Application No. PCT/US2004/014336 filed 7 May 2004)

For: Emulsifiers for Multiple Emulsions

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Please amend claims 1-20 as shown on the following pages of this Preliminary Amendment.

Applicants request the Examiner to review the remarks and the amendments to the claims on the following pages.

page 2 of 8

EXHIBIT 3

3239-01

We claim

1. **(Currently Amended)** A multiple water-in-oil-in-water emulsion composition comprising:

(1) a discontinuous phase, wherein that discontinuous phase comprises a) a water discontinuous phase, b) an oil continuous phase, c) an emulsifier selected from the group consisting of a polyisobutenyl succinic anhydride-derived emulsifier(s), a polyisobutene derived emulsifier(s) and mixtures thereof, d) optionally a co-emulsifier and e) optionally thickeners for the discontinuous phase resulting in an internal water-in-oil emulsion; and

(2) a continuous phase, wherein that continuous phase is an external aqueous phase comprising a) water b) the internal water-in-oil emulsion, c) an oil-in-water emulsifier and c) optionally thickeners for the external aqueous phase; and

wherein the emulsifier is used in the range of about 0.1 wt.% to about 30 wt.% of the final multiple emulsion; and

wherein the water phase of the internal water-in-oil emulsion is comprised of droplets having a mean diameter of about 0.1 to about 5 microns;

resulting in a stable water-in-oil-in-water multiple emulsion.2

2. **(Original)** The composition of claim 1 wherein the polyisobutenyl succinic anhydride-derived emulsifier comprises the reaction product of poly(isobutylene) with maleic anhydride, poly(isobutylene) succinic anhydride, poly(isobutylene) succinic anhydride derivatives, functionalized poly(isobutylene) succinic anhydride, the reaction product of poly(isobutylene) succinic anhydride with alcohol, amines, polyols, polyamines, and alkanolamines, the reaction product of poly(isobutylene) succinic anhydride with triethanolamine, the reaction product of poly(isobutylene) succinic anhydride with glycerol, the reaction product of

page 3 of 8

EXHIBIT 3

poly(isobutylene) succinic anhydride with sodium hydroxide, or combinations thereof.

3. **(Currently Amended)** The composition of claim 1 wherein the polyisobutylene derived emulsifier is selected from the group consisting of at least one of the following: comprises polyisobutenyl substituted phenols, amino polyisobutenyl phenols, polyisobutenyl amine and mixtures thereof; [] the reaction products of polyisobutylene with α,β -unsaturated olefins followed by further functionalized by reaction with nucleophiles like water, alcohol, polyols, amines, polyamines, alkanolamines, and inorganic bases; the reaction products of polyisobutylene with glyoxylic acid, lower alkyl glyoxylates, such as methyl glyoxylate, or lower alkyl hemiacetals, such acid methyl glyoxylate methyl hemiacetal, followed by further functionalized with primary or secondary amines, primary or secondary alkanolamines, or polyamines.

4-6. **(Canceled)**

7. **(Original)** The composition of claim 1 wherein the coemulsifier comprises sorbitan monooleate, sorbitan monoisostearate, glycerol monooleate, oleyl alcohol 2-ethoxylate, lecithin, sorbitan monolaurate, sorbitan monopalmitate, sorbitan monostearate, sorbitan sesquisterate, sorbitan trioleate, stearyl alcohol 2-ethoxylate, glycerol monostearate, sorbitan dioleate, wool fat, methyl glucoside dioleate, polyglyceryl-3 diisostearate, polyethylene glycol 200 distearate, methyl glucose sesquisterate, polyethylene glycol 200 monostearate, alcohol alkoxylates, copolymers of various alkoxylates, alkyl amines or alcohols or amides, ethoxylated alkyl amines or amides, betaines, compatible sulfonates or sulfates or sulfosuccinates or phosphonates or borates or amine salts or carboxylates, or mixtures thereof and the coemulsifier is present in the range from about 0 wt.% to about 10 wt.% of the internal water-in-oil emulsion.

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EXHIBIT 3

8. **(Currently amended)** The composition of claim 1 wherein the aqueous material comprises tap water, demineralized water, deionized water, floral water or combinations thereof; and

wherein the oil comprises fatty substances, volatile oils, non-volatile oils or mixtures thereof; and

wherein the external aqueous phase comprises tap water, demineralized water, deionized water, floral water or combinations thereof; and

the water is present in the range of about 1 wt.% to about 99 wt.% of the internal phase of the water emulsion; and

the oil is present in the range of about 99 wt.% to about 1 wt.% of the water-in-oil emulsion; and

wherein the internal water-in-oil emulsion to the external aqueous phase is in the range of about 10 to 90:90 to 10.

9. **(Canceled)**

10. **(Canceled)**

11. **(Currently Amended)** The composition of claim 1 wherein the external aqueous phase emulsifier comprises ethoxylates, nonionic ethoxylated fatty acids, esters, sorbitan esters, alkylphenols sorbitan monolaurate, carboxylates, amine salts, metallic salts, alkylarylsulfonates, amine oxides, poly(oxyalkylene) compounds, including block copolymers comprising alkylene oxide repeat units, carboxylated alcohol ethoxylates, ethoxylated alcohols, ethoxylated alkylphenols, ethoxylated amines and amides, ethoxylated fatty acids, ethoxylated fatty esters and oils, fatty esters, fatty acid amides, including but not limited to amides from tall oil fatty acids and polyamides, ethoxylated glycerol esters, ethoxylated glycol esters, ethoxylated sorbitan esters, imidazoline derivatives, lecithin and derivatives, lignin and derivatives, monoglycerides and derivatives, olefin sulfonates, phosphate esters and derivatives, propoxylated and ethoxylated fatty acids or alcohols or alkylphenols, sorbitan derivatives, sucrose esters and

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EXHIBIT 3

derivatives, sulfates or alcohols or ethoxylated alcohols or fatty esters, sulfonates of dodecyl and tridecyl benzenes or condensed naphthalenes or petroleum, sulfosuccinates and derivatives, and tridecyl and dodecyl benzene sulfonic acids or mixtures thereof and is present in the range from about 0.01 wt.% to about 10 wt.% of the multiple emulsion; and

wherein the multiple emulsion is thickened by a thickener comprising xanthan gum, cellulose, chitosan, starches, silicates, magnesium aluminum silicates, hydroxyethylcellulose, xanthan gums, glucose-mannose polysaccharides, ammonium poly(acrydimethyltauramide-co-vinylformate), stearyl alcohol, cetyl alcohol, cetearyl alcohol, clays, hectorites, smectites, bentonites, crosslinked polyacrylic acid copolymer, modified crosslinked polyacrylate polymer, polyethoxylates of methyl glucose and their derivatives, PEG-120 methyl glucose dioleate, starch, modified potato starch, ethylene/propylene/styrene copolymers, butylenes/ethylene/styrene copolymers, polyisobutylene, hydrogenated polyisobutylene, waxes, polyethylene wax, beeswax, oil soluble polyacrylates, oil soluble polymethacrylates, olefin polymers, olefin co-polymers, functionalized olefin copolymers, olefin terpolymers, functionalized olefin terpolymers, hydrophobically modified clays, silicas, and copolymers of styrene and olefins or the mixtures thereof and wherein the thickener is in the range from about 0 wt.% to about 10 wt.% of the multiple emulsion; and

wherein the composition comprises water soluble additives comprising propylene glycol, active agents, preservatives, antioxidants, complexing agents, perfumes, fillers, bactericides, odor absorbers, color matter, dyes, lipid vesicles, protein hydrolysates and polyols such as glycerin; glycols such as polyethylene glycols; sugar derivatives; natural extracts; skin lightening agents, bleaching agents, botanicals, refatting agents, skin and hair conditioners; vitamins, urea; caffeine; depigmenting agents such as kojic acid and caffeic acid; beta-hydroxy acids such as salicylic acid and its derivatives; alpha-hydroxy acids such as lactic acid and glycolic acid; emollients and humectants, such as ethoxylated methyl glucosides and acylated ethoxylated methyl glucosides; dihydroxyacetone,

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EXHIBIT 3

amino acids and mixture of amino acids, inorganic salts, inorganic oxides, sunscreens, retinoids such as retinol and its derivatives and carotenoids; organic and inorganic screening agents; hydrocortisone; DHEA; melatonin; algal, fungal, plant, yeast or bacterial extracts; proteins, hydrolysed, partially hydrolysed or unhydrolyzed; enzymes or mixtures thereof and wherein the water soluble additives are in the range from about 0 wt.% to about 30% of the multiple emulsion; and

wherein the composition comprises water dispersable additives comprising clays, pigments, aluminum oxides, silicates, talc, magnesium silicates, titanium dioxide, zinc oxide or mixtures thereof and wherein the water dispersable additives are in the range from about 0 wt.% to about 30 wt.% of the multiple emulsion; and

wherein the oil composition comprises oil phase additives comprising lipophilic additives, fatty acids, fatty alcohols, gums, waxes, silicone gums, oil gelling agents, organic particles, inorganic particles, thickeners, vitamins, organic sunblocks, avobenzene, octocrylene, cinnamate esters, salicylate esters, refatting agents, skin conditioners, hair conditioners, emollients, moisturizers, lanolins or mixtures thereof and wherein the oil phase additives are in the range from about 0 wt.% to 30 wt.% of the internal phase of the water-in-oil emulsion.

12-16. (Canceled)

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EXHIBIT 3

17. **(Original)** The composition of claim 1 wherein the internal water-in-oil emulsion in the external aqueous phase is comprised of droplets of the internal water-in-oil emulsion having a mean diameter of about 1 to about 50 microns.

18. **(Original)** The composition of claim 1 wherein the oil-in-water emulsifier has an HLB of about 8 to about 20.

19. **(Original)** The composition of claim 1 used as multiple emulsion for products selected from the group consisting of industrial products, household products, consumer products, personal care products, metal working products, horticulture products, agriculture products, coating products, paint products, ink products, lubricant products, fuel products and combinations thereof.

20. **(Original)** A method of making a multiple emulsion composition comprising combining an aqueous component in the range of about 1 wt.% to about 99 wt.% and an oil phase in the range of about 99 wt.% to 1 wt.% with an emulsifier selected from the group consisting of poly(isobutylentyl) succinic anhydride-derived emulsifier, a polyisobutylene derived emulsifier and mixtures thereof to produce an internal water-in-oil emulsion, and then combining the internal water-in-oil in an external aqueous phase at a ratio of 10 to 90:90 to 10 with an emulsifier with a HLB of 8 to 20 resulting in a stable multiple emulsion.

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EXHIBIT 3

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The amendments to the claims are indicated below.

Amended claim 1 incorporates the subject matter of canceled claims 6 and

16.

Amended claim 3 incorporates the subject matter of canceled claims 4 and 5.

Amended claim 8 incorporates the subject matter of canceled claims 9 and

10.

Amended claim 11 incorporates the subject matter of canceled claims 12, 13,
14 and 15.

Applicant authorizes any deficiency or overpayment of fees to be charged or credited to The Lubrizol Corporation Deposit Account No. 12-2275. A duplicate copy of this Preliminary Amendment is provided for such purpose.

Should the Examiner have any questions regarding this amendment or the remarks made herein, a telephone call to the undersigned attorney at 440-347-5072 would be welcome.

Respectfully submitted,

THE LUBRIZOL CORPORATION



Teresan W. Gilbert
Registration No. 31,360

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29400 Lakeland Boulevard
Wickliffe, Ohio 44092-2298
Telephone: 440-347-5072
Facsimile: 440-347-1110
E-mail: tgi@lubrizol.com

CERTIFICATION UNDER 37 CFR 1.10

page 1 of 1

EXHIBIT 4

INTERNATIONAL APPLICATION NO. PCT/US2004/0160904		Docket No. 3239-01
INTERNATIONAL FILING DATE:	7 May 2004	RECEIVED CENTRAL FAX CENTER MAR 27 2008
PRIORITY DATE CLAIMED:	7 May 2003	
TITLE OF INVENTION:	Emulsifiers for Multiple Emulsions	
APPLICANTS:	THE LUBRIZOL CORPORATION; FILIPPINI, Brian B.; HUANG, Nai Z.; CAREY, Jeffrey M.; MULLAY, John J.	

ED793757616US
Express Mail mailing number

11/3/05
Date of Deposit

I hereby certify that the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 and the documents listed below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

Transmittal Letter (in duplicate)
Preliminary Amendment
Information Disclosure Statement
Form PTO-1449 IDS
Return Receipt Postcard



Signature of Person Mailing Correspondence

Nancy S. Dedek

Typed or printed name of person mailing correspondence

ED793757616US

Page 1 of 1
(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
7 July 2005 (07.07.2005)

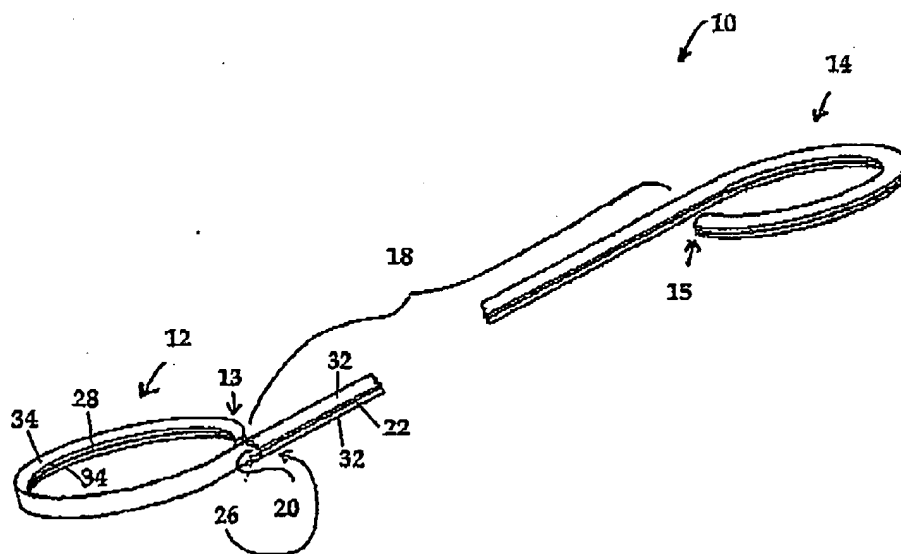
PCT

(10) International Publication Number
WO 2005/060868 A1

- (51) International Patent Classification?: A61F 2/00, 2/36, A61M 5/00
- (21) International Application Number: PCT/US2004/010904
- (22) International Filing Date: 9 April 2004 (09.04.2004)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data: 10/731,262 5 December 2003 (05.12.2003) US
- (71) Applicant (for all designated States except US): FOSSA MEDICAL, INC. [US/US]; 580 Harrison Boulevard, 4th Floor, Boston, MA 02118 (US).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): KOLB, Gloria, Ro [US/US]; 308 Quarry Street #501, Quincy, MA 02169 (US).
- (74) Agents: KAMHOLZ, Scott, E. et al.; Patent Group, Foley Hoag LLP, Seaport World Trade Center West, 155 Seaport Boulevard, Boston, MA 02210-2600 (US).
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:
— with international search report

[Continued on next page]

(54) Title: OPEN LUMEN STENTS



(57) Abstract: A stent may include a flexible, elongate body having a curled proximal portion, a curled distal portion, and a main portion extending between the proximal and distal portions. The main and distal portions together may define a channel laterally open throughout at least a part of the channel's length and extending along the main and distal portions without extending along the proximal portion, whereby the channel's proximal end is disposed in the main portion. In addition, the proximal portion may be curled away from the channel.

page 1 of 1

*** TX REPORT ***

EXHIBIT 6

TRANSMISSION OK

TX/RX NO	4484
CONNECTION TEL	815712709881
CONNECTION ID	
ST. TIME	08/11 08:53
USAGE T	01'24
PGS. SENT	4
RESULT	OK



FACSIMILE TRANSMISSION

The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, Ohio 44092-2298, FAX: 440-347-1110

To: Paulette Kidwell
US Patent & Trademark Office
Facsimile No. 571-270-9881

Date: August 11, 2006

From: Nancy Dedek
The Lubrizol Corporation
Facsimile No. 440-347-1110
Telephone No. 440-347-1437
E-mail: nsd@lubrizol.com

SUBJECT: U.S. SERIAL NO. 10/555,477 FILED NOVEMBER 3, 2005
OUR DOCKET NO: 3239-01

NUMBER OF PAGES INCLUDING COVER SHEET: 4

In accordance with our telephone conversation of today's date, attached is the Transmittal Letter for USSN 10/555,477 filed 11/3/05 indicating international application No. PCT/US2004/014336 filed 7 May 2004.

If you require anything further, please advise.

Nancy S. Dedek (for Teresan W. Gilbert, Esq.)
The Lubrizol Corporation
Patent Dept./Mail Drop 022B

EXHIBIT 7

page 1 of 3

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0851-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 3239-01
INTERNATIONAL APPLICATION NO. PCT/US2004/014336	INTERNATIONAL FILING DATE 07 May 2004 (7.05.2004)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
TITLE OF INVENTION EMULSIFIERS FOR MULTIPLE EMULSIONS		PRIORITY DATE CLAIMED 07 May 2003 (7.05.2003)
APPLICANT(S) FOR DO/EO/US THE LUBRIZOL CORPORATION; FILIPPINI, Brian B.; HUANG, Nai Z.; CAREY, Jeffrey M. and MULLAY, John J.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 39 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

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page 2 of 3

EXHIBIT 7

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER 3239-01	
20. Other items or information: Form PTO-1449 IDS, foreign cited art, and Certification Under 37 CFR 1.10					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	200.00
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	500.00
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$600					
TOTAL OF 21, 22 and 23 =					1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
24 - 100 =	-76 /50 =		x \$250	\$	0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	10 - 20 =	0	x \$50	\$	0.00
Independent claims	1 - 3 =	0	x \$200	\$	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			x \$360	\$	0.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,000.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					0.00
SUBTOTAL =				\$	1,000.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$	0.00
TOTAL NATIONAL FEE =				\$	1,000.00
Fee for recording the enclosed assignment (37 CFR 1.21(n)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	0.00
TOTAL FEES ENCLOSED =				\$	1,000.00
Amount to be refunded:				\$	
Amount to be charged				\$	

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page 3 of 3

EXHIBIT 7

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0851-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

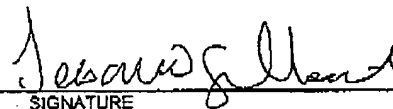
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 12-2275 in the amount of \$ 1,000.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-2275. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Teresan W. Gilbert
The Lubrizol Corporation
Patent Dept./Mail Drop 022B
29400 Lakeland Blvd.
Wickliffe, OH 44092-2298



SIGNATURE

Teresan W. Gilbert

NAME

31,360

REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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MAR 27 2008

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/555,477	Brian B. Filippini	3239-01

Teresan W Gilbert
The Lubrizol Corporation
Patent Dept/Mail Drop 022B
29400 Lakeland Blvd
Wickliffe, OH 44092-2298

Response to Missing Parts
10/16/06
Final Deadline
3/16/07

INTERNATIONAL APPLICATION NO.	
PCT/US04/10904	
I.A. FILING DATE	PRIORITY DATE
05/17/2004	12/05/2003

CONFIRMATION NO. 4244
371 FORMALITIES LETTER



Date Mailed: 08/16/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/03/2005
- Copy of the International Search Report filed on 11/03/2005
- Information Disclosure Statements filed on 11/03/2005
- U.S. Basic National Fees filed on 11/03/2005
- Specification filed on 11/03/2005
- Claims filed on 11/03/2005
- Abstracts filed on 11/03/2005
- Drawings filed on 11/03/2005

REC'D AUG 22 2006

ENT'D AUG 22 2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

EXHIBIT 8

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/555,477	PCT/US04/10904	3239-01

FORM PCT/DO/EQ/905 (371 Formalities Notice)

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EXHIBIT 9 MAR 27 2008

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/555,477	Brian B. Filippini	3239-01

Teresan W Gilbert
The Lubrizol Corporation
Patent Administrator Mail Drop 022B
29400 Lakeland Blvd
Wickliffe, OH 44092-2298

INTERNATIONAL APPLICATION NO.	
PCT/US04/10904	
I.A. FILING DATE	PRIORITY DATE
05/17/2004	12/05/2003

CONFIRMATION NO. 4244

371 ACCEPTANCE LETTER



OC000000023288005

Date Mailed: 04/11/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>09/13/2006</u>	<u>09/13/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 11/03/2005
- Copy of the International Search Report filed on 11/03/2005
- Information Disclosure Statements filed on 11/03/2005
- Oath or Declaration filed on 09/13/2006
- U.S. Basic National Fees filed on 11/03/2005
- Power of Attorney filed on 09/13/2006
- Specification filed on 11/03/2005
- Claims filed on 11/03/2005
- Abstracts filed on 11/03/2005
- Drawings filed on 11/03/2005

REC'D APR 17 2007

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EXHIBIT 9

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

ULYSSES G WALKER

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PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT 10

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/555,477	09/13/2006	3937	730	3239-01	10	2

CONFIRMATION NO. 4244

Teresan W Gilbert
 The Lubrizol Corporation
 Patent Administrator Mail Drop 022B
 29400 Lakeland Blvd
 Wickliffe, OH 44092-2298

FILING RECEIPT



OC000000023288004

Date Mailed: 04/11/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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REC'D APR 17 2007

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 Jason Fokens-56188

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/10904 04/09/2004 *
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

UNITED STATES OF AMERICA 10/731262 12/05/2003 — 7

If Required, Foreign Filing License Granted: 04/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/555,477**

Projected Publication Date: 07/19/2007

EXHIBIT 10

Non-Publication Request: No

Early Publication Request: No

Title

Emulsifiers for multiple emulsions

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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page 1 of 1

EXHIBIT 11

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 37535

Docket No. 3239-01

In re application of: Brian B. Filippini et al.

Serial No.: 10/555,477

Group No.: 3937

Filed: September 13, 2006

For: Emulsifiers for Multiple Emulsions

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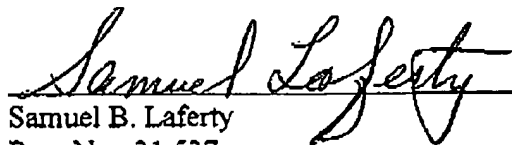
Please recognize as Associate Attorney/Agent in this case:

Name of attorney/agent: Thoburn T. Dunlap Reg. No. 31,246
Joe A. Powell Reg. No. 28,108

Address: Patent Law Department
Lubrizol Advanced Materials, Inc.
9911 Brecksville Road
Cleveland, Ohio 44141

All telephone calls are to be directed to Thoburn T. Dunlap at 216-447-5918.

Please associate this patent application with customer number 37535.



Samuel B. Laferty
Reg. No. 31,537

The Lubrizol Corporation
29400 Lakeland Blvd.
Wickliffe, Ohio 44092-2298
Telephone: 216-447-5918

PTO/SB/122 (01-06)

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page 1 of 1

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Approved for use through 12/31/2008. OMB 0851-0035
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Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10555477
Filing Date	09/13/2006
First Named Inventor	Brian B. Filippini
Art Unit	3937
Examiner Name	
Attorney Docket Number	3239-01

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I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95).
- ☒ Attorney or agent of record. Registration Number 31,537
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed
Name

Samuel B. Laferty

Date December 7, 2007

Telephone 216-447-5541

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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